

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA,

v.

TRAVION BLACK (5),

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CASE NUMBER 6:15-CR-00062-JDK

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On September 20, 2022, the court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Travion Black. The government was represented by Allen Hurst, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Matt Millslagle, Federal Public Defender.

Defendant originally pled guilty to the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline, range based on total offense level of 25 and criminal history category of IV, was 84 to 105 months. On September 14, 2016, District Judge Michael H. Schneider of the Eastern District of Texas sentenced Defendant to 66 months imprisonment followed by 3 years of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, and a \$100 special assessment. On September 18, 2020, Defendant completed his term of imprisonment and began his term of supervision. On December 3, 2021, the term of supervision was revoked, and Defendant was sentenced to 5 months imprisonment followed by 2 years of

supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, 180-day residential reentry center placement, and a \$100 special assessment. On January 12, 2022, Defendant began his second term of supervision.

Under the terms of supervised release, Defendant was required to participate in a program of testing and treatment for drug abuse. In Allegation 4 of its petition, the government alleges that Defendant violated his conditions of supervised release by failing to report for drug testing on February 14, February 22, and March 1, 2022.

If the court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to report for drug testing, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of IV, the Guideline imprisonment range for a Grade C violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in Allegation 4 of the government's petition. In exchange, the government agreed to recommend to the court a sentence of twelve months and one day with no supervised release to follow, a slight variance from the imprisonment range to allow him to participate in drug treatment.

The court therefore **RECOMMENDS** that Defendant Travion Black's plea of true be accepted and that he be sentenced to twelve months and one day imprisonment with no supervised release to follow. The court further **RECOMMENDS** that the place of confinement be FCI

Seagoville, Texas and that Defendant receive drug treatment while incarcerated. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

So ORDERED and SIGNED this 20th day of September, 2022.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE